

**UNITED STATES DISTRICT COURT
NORTHERN MARIANA ISLANDS**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

THOMAS WEINDL,

Defendant.

CASE NO. **CR 12-00017**

**AFFIDAVIT IN SUPPORT
OF CRIMINAL COMPLAINT**
JUNTE D
Clerk
District Court

JUN 29 2012

INTRODUCTION

For The Northern Mariana Islands
By _____
(Deputy Clerk)

I, Edmund H. Ewing, a special agent with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state the following:

1. I make this affidavit pursuant to Rules 4(a) and 5(b) of the Federal Rules of Criminal Procedure to support the arrest of Thomas Weindl (hereinafter WEINDL), that is, to establish probable cause that WEINDL committed violations of 18 U.S.C. § 2252A(a)(2) which makes it a federal crime to receive child pornography that has been transmitted in interstate commerce and § 2252A(a)(5)(B), which makes it a federal crime to access child pornography with intent to view it.

2. Title 18, United States Code, Section 2252A(a)(2) makes it a federal crime to receive child pornography. The statute reads:

Any person who knowingly receives or distributes –

Any child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer; or

Any material that contains child pornography that has been mailed, or using any means or facility of interstate or foreign commerce shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

3. Title 18 United States Code, Section 2252A(a)(5)(B) makes it a federal crime to access child pornography with intent to view it. The Statute reads:

Any person who –

Knowingly possesses, or knowingly accessed with intent to view, any book, magazine, periodical, film, videotape, computer disk, or any other material that contains an image of child pornography that has been mailed, or shipped or transported using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, or that was produced using materials that have been mailed, or shipped or transported in or affecting interstate or foreign commerce by any means, including by computer.

4. I am a special agent of the Federal Bureau of Investigation (FBI), and have been so employed for over six years. I am currently assigned to investigate federal criminal matters in and around the Commonwealth of the Northern Mariana Islands. In my capacity as an FBI Agent, I have previously been assigned to investigate federal violations relating to white collar crime, narcotics trafficking and criminal enterprises,

and have participated in more than 100 criminal investigations, arrests and searches relating to such crimes. Prior to becoming a Special Agent, I received an undergraduate degree from Georgetown University, a graduate degree from Boston University and was employed as a computer programmer for approximately four years and as a San Diego Police Officer for approximately three years. My training includes six months of California Peace Officer Standards and Training ("P.O.S.T") at San Diego, California and four months of FBI Academy Training at Quantico, Virginia. This training included instruction in criminal organizations, criminal case management, informant development, Title III (wiretap) investigations, and the use, packaging, and sale of controlled substances. My federal criminal investigative experience has involved the use of confidential human sources ("CHS"), consensual monitoring, electronic and physical surveillance, telephone toll analysis, pole cameras, Global Positioning System ("GPS") tracking, interviews, electronic interceptions, and other investigative techniques. Through the course of these investigations, I have personally interviewed confidential sources and other persons involved in white collar crimes, crimes against children, corruption of public officials and the distribution of illegal narcotics. I have also interviewed persons arrested for white collar crimes, crimes against children, corruption of public officials and the distribution of illegal narcotics. I have spoken with more experienced investigators with whom I work concerning the practices of white collar criminals, sex offenders, corrupt public servants and narcotics traffickers, and the best methods to use in the investigations of such individuals and organizations. Through the course of my

investigations and through my conversations with more experienced investigators, I have become familiar with the various types of evidence found during the searches of residences, businesses, vehicles and storage areas used by white collar criminals, sex offenders, corrupt public servants and narcotics traffickers.

5. The statements contained in this Affidavit are based on my personal participation in this investigation and on information provided to me by other law enforcement agents. Since this affidavit is being submitted for a limited purpose, I have not included each and every fact known to me concerning this investigation.

6. This investigation stems from information sent via email to the personal email account of FBI Special Agent Joseph Auther. SA Auther is in the process of transferring from the FBI Saipan Field Office to the FBI Denver Field Office. During the course of this transition, SA Auther turned in the school-issued Dell 2100 netbook computer ("the netbook") of his 7th grade son to Whispering Palms School Principal WEINDL.

7. In approximately July 2011, in an effort to monitor his son's internet use, SA Auther installed a commercially available software program called "e-blaster" on the netbook. E-blaster is a computer and internet monitoring software program manufactured by SpectorSoft Corporation, a company headquartered in Vero Beach, Florida. According to information available at the website <http://www.eblaster.com>, the e-blaster software "records ALL emails, chats, instant messages, web sites visited, keystrokes typed, programs launched and files downloaded/uploaded, Facebook and Myspace

activity, Online searches, and user activity – then sends it to you via email in the form of a detailed Activity Report.” A more detailed product description of e-blaster retrieved from SpectorSoft’s company’s website

(http://www.spectorsoft.com/products/eBlaster_Windows/index.asp?source=HomePage-hs-eBWin). This program sent e-mails detailing the netbook's activity to SA Author's personal email account, 'author@pticom.com'. SA Author typically received these "report" e-mails three or four times a day. The "e-blaster" emails provided SA Author with information on the IP Addresses used, online searches performed, web sites viewed, files transferred, keystrokes typed, program activity and user activity of the netbook.

8. In early June, as the 2011/2012 school year was coming to a close, SA Author's son advised SA Author that due to the upcoming move, he needed to surrender the netbook back to Whispering Palms School. On or about 06/06/2012, SA Author notified the Principal, WEINDL, that SA Author would get the netbook serviced at a local computer store to have all school work, games etc "wiped out". SA Author did not tell WEINDL that "e-blaster" software had been installed, nor did SA Author tell WEINDL that SA Author intended to have the "e-blaster" software removed.

9. On 06/08/2012, SA Author took the netbook to Megabyte, a local computer service/sales company. SA Author requested the service tech to repair a scratched screen and reimage the hard drive so as to delete all of the schoolwork and programs on the netbook. While SA Author did not specifically request the removal of the "e-blaster" software from the netbook, he did intend that all data and programs, including the e-

blaster software, would be removed. Later on 06/08/2012, SA Auther picked up the netbook from Megabyte. The Megabyte receipt referenced work performed as "reimaged" and "clean out files". SA Auther paid Megabyte the charges of \$55.00 listed on the receipt.

10. On Friday, 06/08/2012, at approximately 6:00pm, SA Auther dropped off his two sons at Whispering Palms School for a school "sleepover" event. While dropping his sons off at Whispering Palms School, SA Auther personally handed the netbook to WEINDL, along with its power cord, and made a statement to WEINDL that the netbook had been wiped clean, which SA Auther, in fact, believed to be the case.

11. In the week following the netbook's return to WEINDL, SA Auther did not receive any emails from the "e-blaster" software. On 06/14/2012, at approximately 12:29pm, SA Auther received an email from 'eBlaster on MB-TECH' with the subject "Report - Sat 07:27am to Thu 12:40pm". The report contained activity for the netbook, and listed the serial number of 2820NN0084029228. This serial number matched the serial number of previous "e-blaster" reports sent when SA Auther's son was using the netbook. SA Auther received a similar report on 06/15/2012 at approximately 11:00am. When SA Auther viewed the reports sent to his personal email account, he noticed web sites visited which appeared to contain terms indicating the presence of child pornography. On 6/15/12, SA Auther contacted WEINDL on WEINDL's cellular telephone in an attempt to determine who WEINDL had given the netbook to. So as not to not raise any undo suspicion, SA Auther told WEINDL he was interested in

purchasing the netbook. WEINDL told SA Auther that he had already turned the netbook over to the Commonwealth of the Northern Mariana Islands (CNMI) Public School System (PSS). WEINDL initially stated he took the netbook to the PSS office on Capitol Hill, then corrected himself and stated he took the netbook to the PSS office in Susupe. (Note: PSS moved from the Capitol Hill location to Susupe in late 2011). WEINDL explained that SA Auther would not be able to buy the computer because it was purchased with federal funds. WEINDL was unable to tell SA Auther the name of the person at PSS to whom he had provided the netbook.

12. On 06/18/2012 SA Auther went to the PSS offices in Susupe and met with an individual named Joseph C. Torres. Torres told SA Auther he was in charge of the laptop program. Torres went on to explain that he did not recall anyone, other than officials from the recently closed Cavalry Christian School returning any computer. Torres said the return of a computer is very rare as computers are usually returned to the school where the student attended and then distributed by the school officials to another student at that same school. SA Auther asked several other PSS employees located in the building if they had seen an individual from Whispering Palms School return a computer in the last week. Each of the individuals SA Auther spoke with stated they never recalled anyone ever returning a computer.

13. On 06/18/2012, at approximately 2:21pm, SA Auther contacted WEINDL by phone at his office. In this conversation, SA Auther reiterated his desire to find the computer and told WEINDL that he was concerned that the computer may have some

inappropriate material on it. WEINDL told SA Auther that he had done some checking after SA Auther's call on 06/15/2012, and determined that the computer had been "recirculated". WEINDL told SA Auther that SA Auther would not be able to locate it. When SA Auther asked WEINDL how he knew this, WEINDL responded he had spoken with unnamed officials at PSS and learned that there was some "hanky panky" going on with the computers. WEINDL said he was looking into it but did not want to get anyone in trouble. WEINDL told SA Auther twice that he "knows those people" and did not want to get anyone into any trouble by telling SA Auther their names. SA Auther and his wife have been personal friends with WEINDL since 2006, and SA Auther's wife was asked to do a reading at WEINDL's wedding in January 2012. SA Auther's two sons are enrolled in Whispering Palms School and are classmates with WEINDL's stepdaughter, who is approximately eleven years old and of Korean descent. Following the 06/18/2012 conversation, SA Auther was "deeply troubled" and had the strong impression WEINDL was attempting to deceive him.

14. The telephone call placed by SA Auther to WEINDL at approximately 2:21pm on 06/18/2012 was to the landline telephone of the Whispering Palms School office, 670-323-7451. On 06/18/2012, between approximately 1:30pm and 2:00pm, SA Auther drove past the Whispering Palms School and observed WEINDL's vehicle, a grey Honda Civic License AF 008 parked in front of the school. The "e-blaster" report for 06/18/2012 indicates the netbook was accessing the internet from public IP address 202.88.95.28 at 2:20pm viewing the web site "11 years old girls nude". At 2:24pm the

same "e-blaster" report shows the same IP used to access a web site including the text "2ffingering-preteen%2f11-year-old-girls-topless.html".

15. SA Auther received additional "e-blaster" reports on 06/15/2012 at approximately 2:58pm, 06/18/2012 at approximately 11:57am and 06/18/2012 at approximately 2:57pm. SA Auther provided SA Ewing with a total of five "e-blaster" reports dated after the netbook was given to WEINDL, each showing the public IP address of 202.88.95.28. SA Ewing reviewed "e-blaster" reports from the time period when SA Auther's son was known to be in possession of the netbook. One such report on 06/02/2012, generated for a time period in which SA Auther's son was known to be at SA Auther's residence, shows the public IP address of 202.88.81.84. Another such report from 05/24/2012, generated for a time period in which SA Auther's son was known to be at Whispering Palms School, shows the public IP address of 202.88.95.28, which matches the public IP address associated with the internet activity following WEINDL's possession of the netbook.

16. Following turning the netbook over to the custody of WEINDL, "e-blaster" reports were sent to the personal email account of SA Auther on the following dates and approximate times:

1. 06/14/2012 at 12:29PM
2. 06/15/2012 at 11:00AM
3. 06/15/2012 at 2:58PM
4. 06/18/2012 at 11:57AM

5. 06/18/2012 at 2:57PM

17. The five "e-blaster" reports include the following online searches manually performed from the netbook via IP address 202.88.95.28 on the following dates and approximate times:

06/14/2012 12:39:33PM	Korean girls fucking
06/15/2012 08:02:49AM	old man fucking Korean girl
06/15/2012 08:27:42AM	young girl raped
06/15/2012 08:43:34AM	young korean girl being raped
06/15/2012 10:35:31AM	naked young Korean girls
06/15/2012 12:13:44PM	young Korean pussy
06/15/2012 12:15:40PM	young Korean girls naked photos
06/15/2012 04:03:32PM	little Korean girls fucking
06/18/2012 12:26:46PM	eleven year old girl fucking
06/18/2012 12:50:52PM	twelve year old fucking
06/18/2012 02:12:03PM	eleven year old girls nude photos

18. The five "e-blaster" reports include the following web sites visited from the netbook via IP address 202.88.95.28 on the following dates and approximate times:

06/14/2012 12:39PM	Korean girls fucking - Google Search
06/15/2012 08:10AM	Old man fucks Young girl - Free Porn Videos - YouPorn
06/15/2012 08:28AM	7 year old girl raped on school bus by teenager - YouTube
06/15/2012 08:29AM	Old man fucks small breasted teen PART 2 - xHamster.com

06/15/2012 08:31AM	little girl raped - YouTube
06/15/2012 08:46AM	young Korean girl being raped - Google Search
06/15/2012 09:27AM	http://asiansexboat/gallery/daughter-has-to-watch-her-mother-getting-raped-during-a-health-spa-massage-then-the-turn-is-on-her
06/15/2012 9:44AM	Dirty old man fucks a pigtailed Asian teen Redtube Free Teens Porn Videos
06/15/2012 11:09AM	Rape fantasy - 2 Korean young girls forced to have sex (uncensor(download torrent)) – TPB
06/15/2012 11:23AM	Pretty Japanese schoolgirl banged by big cock
06/15/2012 11:38AM	Japanese School Girls Nude in Class
06/15/2012 11:58AM	Very old man fuck young girl - free download - (4 files)
06/15/2012 12:09PM	Teen With Old Man - XVIDEOS.COM
06/18/2012 12:22PM	little girls fucking - Google Search
06/18/2012 12:27PM	eleven year old girl fucking [Full] is ready for download
06/18/2012 12:28PM	Eleven year Old Girl Fucking ActiveFileList
06/18/2012 12:31PM	eleven year old girl fucking - Google Search
06/18/2012 12:33PM	eleven year old girl fucking - Google Search
06/18/2012 12:43PM	eleven year old girl fucking - Google Search
06/18/2012 12:44PM	Eleven year Old Girl Fucking ClearFileList
06/18/2012 12:45PM	Eleven year Old Girl Fucking ShareFileList
06/18/2012 12:45PM	eleven year old girl fucking - Google Search
06/18/2012 12:45PM	eleven year old girl fucking - Google Search

06/18/2012 12:46PM	eleven year old girl fucking - Google Search
06/18/2012 12:46PM	11 year old girl being fucked porn fuck Sex Tube
06/18/2012 12:50PM	twelve year old girl fucking - Google Search
06/18/2012 12:51PM	http://tomlamson.net/accomodations-12-year-old-girls-have-sex-free-pic/
06/18/2012 12:51PM	Twelve Year Old Fucking ShareFileList
06/18/2012 12:52PM	twelve-year-old-fucking [Full] is ready for download
06/18/2012 01:51PM	Eleven Year Old Girl Fucking EnjoyFileList
06/18/2012 01:52PM	eleven year old girl fucking FullVersion is ready for download
06/18/2012 02:11PM	http://energiavital.es/vaporating-11-year-old-girl-and-boy-porn/
06/18/2012 02:11PM	Eleven Year Old Girl Fucking BangFileList
06/18/2012 02:11PM	eleven year old girl fucking - Google Search
06/18/2012 02:12PM	Man Posts Nude Photos Of 11-Year-Old Girl on Website After She Called Him A 'Creep'
06/18/2012 02:13PM	http://saicentre.net.community-12-year-old-girls-fucking/-Search
06/18/2012 02:14PM	http://emde.ca/marash-13-year-old-girls-on-webcam/
06/18/2012 02:14PM	Eleven Year Old Girls Nude Photos ShareFileList
06/18/2012 02:14PM	Eleven Year Old Girls Nude Photos ClearFileList
06/18/2012 02:14PM	http://herlevskole.dk/daughters-11-year-little-old-girl-naked-picture/
06/18/2012 02:15PM	free naked pics of 8 to 12 year old girl whores free download - 20,084 torrents

06/18/2012 02:17PM eleven year old girls nude photos - Google Search
06/18/2012 02:18PM eleven year old girls nude photos - Google Search
06/18/2012 02:19PM 11 Year Old Little Girld Nakes Photos - Dogpile Web Search

19. The five "e-blasters" reports include the following files transferred to or from the netbook via IP address 202.88.95.28 on the following dates and approximate times:

06/15/2012 09:31AM
<http://files.yourfiledownloader.com/?q=korea+a+korean+girl+gets+raped&wmid>
06/18/2012 12:27PM
http://files.yourfiledownloader.com/?q=eleven_year_old_girl_fucking
06/18/2012 12:52PM
http://files.yourfiledownloader.com/?q=twelve_year_old_girl_fucking
06/18/2012 01:52PM
http://files.yourfiledownloader.com/?q=eleven_year_old_girl_fucking
06/18/2012 01:52PM
http://files.yourfiledownloader.com/?q=eleven_year_old_girl_fucking_FullVersion
06/18/2012 01:56PM
http://files.yourfiledownloader.com/?q=eleven_year_old_girl_fucking_FullVersion
06/18/2012 02:02PM
http://files.yourfiledownloader.com/?q=eleven_year_old_girl_fucking_FullVersion
06/18/2012 02:06PM
http://files.yourfiledownloader.com/?q=eleven_year_old_girl_fucking_FullVersion
06/18/2012 02:06PM
http://files.yourfiledownloader.com/?q=eleven_year_old_girl_fucking_FullVersion

fucking_FullVersion

06/18/2012 02:07PM

http://files.yourfiledownloader.com/?q=eleven_year_old_girl_fucking_FullVersion

06/18/2012 02:09PM

http://files.yourfiledownloader.com/?q=eleven_year_old_girl_fucking_FullVersion

06/18/2012 02:09PM

http://files.yourfiledownloader.com/?q=eleven_year_old_girl_fucking_FullVersion

06/18/2012 02:10PM

http://files.yourfiledownloader.com/?q=eleven_year_old_girl_fucking_FullVersion

06/18/2012 02:16PM

http://dl.intellidownload.com/searcher.php?p=1021&s=&tag=6&search=free_naked_pics_of_8_to_12_year_old_girl_whores_Fast

06/18/2012 02:16PM

http://dl.intellidownload.com/searcher.php?p=1021&s=&tag=6&search=free_naked_pics_of_8_to_12_year_old_girl_whores_Fast

20. On 06/28/2012, your affiant and SA Joseph Auther interviewed WEINDL at his office in the Whispering Palms School, Mayoria Avenue, Navy Hill, Saipan. Your affiant informed WEINDL that the laptop SA Auther turned in to WEINDL on 06/08/2012 was from a federally-funded grant, and your affiant was investigating its disappearance. WEINDL apologized to SA Auther for being dishonest with him. WEINDL explained he was embarrassed because the laptop had gone missing and WEINDL did not know where it was.

21. Your affiant asked WEINDL to describe the timeline of when the laptop went missing. WEINDL stated he received the laptop from SA Auther on 06/08/2012, the day of the

school sleepover. WEINDL did not recall specifically the first time he became aware the laptop was missing, but it was sometime between 06/08/2012 and when SA Auther contacted WEINDL to ask about the computer's location. WEINDL again apologized to SA Auther for not being truthful and stated he was "really embarrassed."

22. Your affiant then informed WEINDL that questionable internet activity had been reported on the netbook after it was given to WEINDL. Your affiant told WEINDL there was specific information from the computer indicating the computer had been used to view pornographic material, and that activity was associated with WEINDL.

23. WEINDL stated the computer was not stolen, but following his use of the computer to view pornographic material, he had broken it into two pieces and thrown it into the "boonies."


24. WEINDL stated he placed the laptop on his desk at the Whispering Palms School and viewed pornographic web sites. WEINDL stated he visited many different sites. When asked when this occurred, WEINDL then stated it was the week of June 18th. After viewing the calendar further, WEINDL repeated that it was indeed the week of June 18th. WEINDL stated he used the computer to view pornographic material for "two or three days", and he did this during working hours, which he clarified by stating "it was during the daytime." SA Ewing asked WEINDL if he recalled performing a Google search referring to eleven year old girls. WEINDL replied, "Yes, I think I remember." When asked why he performed such web searches, WEINDL stated it was for his own curiosity. WEINDL later stated it was for his own "morbid" curiosity, which he then stated was the wrong word and that he meant to say "inappropriate curiosity."

*FOLLOWING THESE STATEMENTS, WEINDL WAS PLACED
UNDER ARREST BY SA EWING AT APPROXIMATELY 1:00 PM.*

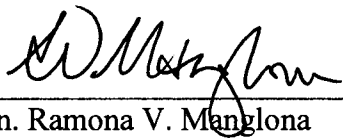
25. I have shown this search warrant application and affidavit to Assistant United States Attorney Rami Badawy, and he informs me that the application and affidavit are in proper form.

26. Based upon the foregoing information, there is probable cause to believe that WEINDL committed the criminal offense of

FURTHER AFFIANT SAYETH NAUGHT.


EDMUND H. EWING
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me on June 29, 2012.

 9:30 AM
Hon. Ramona V. Manglona
Chief Judge